

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Respondent/Plaintiff,

v.

PAUL XAVIER ESPINOZA,

Petitioner/Defendant.

Case No. 3:13-cr-00037-LRH-CSD

3:20-cv-00386-LRH

MINUTE ORDER

April 14, 2023

PRESENT: THE HONORABLE LARRY R. HICKS, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: NONE APPEARING REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

On June 23, 2020, this Court opened civil case 3:20-cv-00386-LRH regarding Petitioner/Defendant's Renewal of Motion to Vacate under 28 U.S.C. § 2255 (ECF No. 50); this motion was actually pending before the Court in criminal case 3:13-cr-00037-LRH-CSD. Defendant's original motion to vacate (ECF Nos. 36, 37) was denied on July 12, 2017 (ECF No. 38). The Court's ruling was affirmed by the Ninth Circuit Court of Appeals on January 26, 2021 (ECF No. 51), which confirmed that "Hobbs Act robbery is a crime of violence under the elements clause of § 924(c)(3)."

The Court having reviewed this history has determined that no further action is required and that civil case 3:20-cv-00386-LRH can be administratively closed. All further pleadings shall continue to be filed in criminal case 3:13-cr-00037-LRH-CSD.

Good cause appearing, IT IS HEREBY ORDERED that the Clerk shall administratively close civil case 3:20-cv-00386-LRH.

IT IS FURTHER ORDERED that Petitioner/Defendant's Renewal of Motion to Vacate under 28 U.S.C. § 2255 (ECF No. 50) is DENIED as MOOT.

IT IS SO ORDERED.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE